

# **MEMORANDUM OF**

## **UNDERSTANDING Between the**

**New Mexico Taxation and Revenue Department, Motor Vehicle Division**

**And**

**Los Alamos County**

This Memorandum of Understanding (MOU) is entered between the Motor Vehicle Division (MVD), of the Taxation and Revenue Department (TRD) and the Los Alamos County for the purpose of providing Los Alamos County access to the motor vehicle database and access to add and delete Property Tax Liens on Manufactured Homes in their county.

### **1. Database Access**

Pursuant to the terms of this MOU, MVD will provide access to Los Alamos County to the MVD 2.0 database. The database contains "personal information as defined in NMSA 1978, § 66-1-4.14(F) and 18 U.S.C. § 2725(3) of the Driver's Privacy Protection Act (DPPA) and "highly restricted personal information" as defined in 18 U.S.C. § 2725(4) of the DPPA. The disclosure of personal and highly restricted personal information for use by any government agency in carrying out its functions is authorized under 18 U.S.C. § 2721(a)(2) and § 2721(b)(1) and NMSA 1978, § 66-2-7.1. Los Alamos County agrees to comply fully with the DPPA to the extent not inconsistent with 26 U.S.C. § 6103 and with Section 66-2-7.1

### **2. Memorandum of Understanding Relationships**

The MVD point-of-contact (POC) will act as the primary coordinator between MVD and Los Alamos County. Los Alamos County will provide a list of user employees who will be accessing the vehicle databases on the form attached hereto as Attachment 1. Los Alamos County will inform the MVD POC of any changes to the access list, via email, within two business days of the change.

### **3. Primary Contact Information**

The following are the primary MOU points-of-contact. All notices required under this MOU shall be made to the points of contact. If the point-of-contact is changed, the other party will be notified within two business days of the change.

Motor Vehicle Division Primary contact:

Name: Angel Martinez

Title: Bureau Chief, Partner Management Unit

Office phone: (505) 827-0722

Facsimile: (505) 476-1707

Email: angel.martinez@state.nm.us

Mailing address: MVD Partner Management  
P.O. Box 10168  
Santa Fe, NM 87504

Physical address: MVD Partner Management  
Joseph Montoya Bldg. Room  
2107  
1100 South St. Francis Drive  
Santa Fe, NM 87502

Agency Primary Contact:

Name: Keith Wimbush

Title: Accountant II

Office phone: 505 - 662 - 8073

Facsimile: 505-662-8069

Email: kc.wimbush@lacnm.us

Mailing address: County of Los Alamos  
Keith Wimbush  
2451 Central Avenue, Suite A  
Los Alamos, NM 87544

Physical address: County of Los Alamos  
Keith Wimbush  
2451 Central Avenue, Suite A  
Los Alamos, NM 87544

#### 4. Purposes and Use of Vehicle Database Information:

Los Alamos County will be provided access to the vehicle database for the purpose of adding and deleting Property Tax Liens on Manufactured Homes as authorized in NMSA 1978, § 66-2-14 and 66-3-204 as listed on Attachment II.

#### 5. Use of Information.

Use of driver specific and related driver information obtained from the New Mexico Motor Vehicle databases is governed by the DPPA and NMSA 1978, § 66-2-7.1. Any unauthorized use of information obtained from the vehicle database shall be considered a violation of the DPPA and Section 66-2-7.1, and is grounds for immediately termination of this MOU and access to the database and administration action up to and including termination of the violating party.

#### 6. Audit Requirements

Los Alamos County will maintain a program and procedures to provide the ability to audit database inquiries and data use, and will include date, time, user identity, vehicle identification number and reason for access. TRD, Tax Fraud Investigations Division may audit Los Alamos County's use upon advance written notification of Los Alamos County. Los Alamos County will also internally audit users' access to database. If Los Alamos County identifies any misuse, it will take immediate action to prevent any further misuse and shall notify MVD of the misuse.

#### 7. Implementation Requirements

Prior to active access to the database, MVD will provide instructions on the proper procedures to access the database and how to obtain and input the required information.

#### 8. Removal of Los Alamos County Employee's Database Access

If a Los Alamos County employee with access to the database is terminated from employment by the Los Alamos County or if the Los Alamos County no longer wants the employee to have access to the database, the Los Alamos County will ensure that employee's access to the database is terminated and that the MVD POC is notified, via email within two business days or sooner of the termination of access.

#### 9. Recordkeeping and Disclosure Requirements

Los Alamos County shall not resell the database, any record, or any information obtained from the database. Agency will not disclose these records or any information from these records except for purpose authorized under applicable law. If Los Alamos County discloses information obtained from the MVD records, documentation of all disclosures will be maintained in Los Alamos County's files as part of its routine business practice.

## 10. Termination of MOU

A. Los Alamos County may terminate this MOU upon ten days written notice to MVD. Termination shall be made to the MVD POC via email, followed by a hard copy notice mailed to the MVD POC at the address above.

B. MVD may terminate this MOU upon ten days written notice to Los Alamos County. Termination shall be made to the Los Alamos County via telephone or email followed by a hardcopy notice mailed to the Los Alamos County at the address above.

## 11. Liability

Each party to this MOU shall be liable for the acts and omissions of its own employees.

## 12. Compensation

There will be no charges levied upon MVD or Los Alamos County for the use of the database unless required by legislative action.

Los Alamos County will provide the equipment to allow connectivity with the MVD database. The equipment will be suitable for the purpose and will not interfere with any State IT systems.

## 13. Limitations

The terms of this MOU are not intended to alter, amend or rescind any provisions of federal law or state law. Any provision of this MOU which conflicts with state or federal law will be null and void.

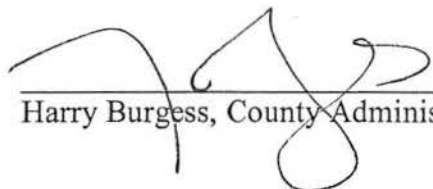
## 14. Security

MVD database connectivity access will be secured through Windows authentication to authorized Agency users only. Los Alamos County will assure that workstations are located and have adequate security features so that improper disclosure of information in the database will not occur. File transfer between the Los Alamos County and MVD will depend on the system used by MVD.

IN WITNESS WHEREOF, the Taxation and Revenue Department and the Los Alamos County do hereby execute this Memorandum of Understanding as of this date \_\_\_\_\_

\_\_\_\_\_  
Demesia Padilla, CPA, Cabinet Secretary, Taxation & Revenue Department

\_\_\_\_\_  
David L. Robbins, ASD Director, Taxation & Revenue Department

  
\_\_\_\_\_  
Harry Burgess, County Administrator, Los Alamos County

Approved as to Legal form:

By \_\_\_\_\_  
Nelson Goodin, Chief Counsel for Taxation and Revenue

## ATTACHMENT I

### Agency List of User Employees

Keith Wimbush, Accountant II

Joseph D'Anna, Deputy CFO

## ATTACHMENT II

### **66-2-14. Appointment of agents; termination.**

- A. Whenever the secretary deems it necessary for the purpose of effecting economy in carrying out the functions of the department and for the purpose of providing necessary service to the people of this state, the secretary may appoint agents to receive applications for registration, to collect fees and revenues, to issue all licenses or permits and to act for the department in carrying out the duties imposed by law.
- B. The department may specify the functions or services to be performed by agents pursuant to Subsection A of this section and may limit the amount to be paid to such agent by contract. The department may terminate the designation of any agent for failure of the agent to perform to the secretary's satisfaction the agent's duties by notifying the agent of the termination. Agency agreements may provide for the form of notice and the length of the period, if any, between the notice and the effective date of the termination.

### **66-3-204. Property tax liens on manufactured homes; filing; effect.**

- A. Upon receipt of a notification of unpaid taxes on a manufactured home required by Section 7-38-52 NMSA 1978, the division shall file the notification and indicate on it the date and time of receipt. It shall maintain an index and file of the notifications by vehicle registration number.
- B. From the date and time of receipt of a notification, the unpaid taxes, penalty and interest certified by the county treasurer constitute a lien on and a security interest in the manufactured home on behalf of the state until paid. The lien is valid against holders of prior perfected security interests, attaching creditors and subsequent transferees and when perfected by filing in accordance with this section constitutes constructive notice of the lien claimed. When a lien is perfected under this section, the division shall send written notification of the lien to all holders of prior perfected security interests as shown on the vehicle's certificate of title. The notice shall be sent no later than ten days after the filing of the lien.
- C. Upon receipt of a certified notice from a county treasurer showing that the taxes, penalty and interest for which a lien is claimed have been paid, the division shall indicate in writing on the filed notification the fact of payment, shall attach the notice of payment to the original notification, shall remove both documents from its lien file to a separate file and shall make a written entry in its index indicating the satisfaction of the lien. At the same time, it shall send written notification to the registered owner of the manufactured home of the action it has taken.



State of New Mexico  
Taxation and Revenue Department  
Information Technology Division

External Network Access Request

☒ New Request

☐ Change existing access

Date: 12-27-2011

☒ Permanent

☐ Temporary If temporary, expiration date: \_\_\_\_\_

Requester Information:

Name (Printed): Joseph D'Anna Division: Los Alamos County E-Mail: joseph.danna@lacnm.us

IT contact Name: Todd Rodencal Phone: 505-663-1993 E-Mail: todd.rodencal@lacnm.us

Request Details :

Source Description: \_\_\_\_\_ Port type: ☐ TCP ☐ UDP Port Number(s): \_\_\_\_\_

External Static IP Address (Foreign Address): 10.20.10.113

Give detailed description of what this access will accommodate:

This access will allow Los Alamos County to add and remove Property Tax Liens on Manufactured Homes from Motor Vehicle Divisions records.

Harry Burgess

Requesters Division Approval (County Administrator)

Requesters Division Approval (Signature)

TO BE COMPLETED BY TRD Division:

Destination Description (List each Device Name): MVD 2.0 Production

Device IP Address(es): \_\_\_\_\_

\_\_\_\_\_  
TRD Division Approval

TO BE COMPLETED BY ITD:

ITD Approval: ☐ Approved ☐ Denied By: \_\_\_\_\_ Approval Date: \_\_\_\_\_

ACL Entered by: \_\_\_\_\_ Date Entered: \_\_\_\_\_

Source Network Group used (if any): \_\_\_\_\_

Destination Network Group used (if any): \_\_\_\_\_

ACL Verified by: \_\_\_\_\_ Date Verified: \_\_\_\_\_

ACL Binder Page No. \_\_\_\_\_





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Requester Information:

Name (Printed): Keith Wimbush

Division: Los Alamos County

E-Mail: kc.wimbush@lacnm.us

IT contact Name: Todd Rodencal

Phone: 505-663-1993

E-Mail: todd.rodencal@lacnm.us

Request Details :

Source Description: \_\_\_\_\_ Port type: ☐ TCP ☐ UDP Port Number(s): \_\_\_\_\_

External Static IP Address (Foreign Address): 10.20.10.112

Give detailed description of what this access will accommodate:

This access will allow Los Alamos County to add and remove Property Tax Liens on Manufactured Homes from Motor Vehicle Divisions records.

Harry Burgess

Requesters Division Approval (County Administrator)

Requesters Division Approval (Signature)

TO BE COMPLETED BY TRD Division:

Destination Description (List each Device Name): MVD 2.0 Production

Device IP Address(es): \_\_\_\_\_

\_\_\_\_\_  
TRD Division Approval

TO BE COMPLETED BY ITD:

ITD Approval: ☐ Approved ☐ Denied By: \_\_\_\_\_ Approval Date: \_\_\_\_\_

ACL Entered by: \_\_\_\_\_ Date Entered: \_\_\_\_\_

Source Network Group used (if any): \_\_\_\_\_

Destination Network Group used (if any): \_\_\_\_\_

ACL Verified by: \_\_\_\_\_ Date Verified: \_\_\_\_\_

ACL Binder Page No. \_\_\_\_\_



**MVRO SELECTIONS:**

**Status/Action Requested**

☐ Current Employee  
     ☐ Add security marked with "A"  
     ☐ Delete/Inactivate marked with "D"  
     ☐ Delete employee "DE"  
     ☐ Eff. Date \_\_\_\_\_  
     ☐ Transferring within department  
☐ New Employee (ID/Password to be issued)  
☐ Contract or Temporary Employee  
     ☐ Effective End Date: \_\_\_\_\_  
     ☐ New end date: \_\_\_\_\_  
☒ Other NM Agency      Termination Dt \_\_\_\_\_  
 Agency Name: \_\_\_\_\_ Los Alamos County

**DRIVER INQUIRIES:**

**ONLINE UPDATES:**

20. Penalty Assessment  
21. Revenue Deposit/Corrections  
22. Parental Resp.  
23. Change NM DWI Addr.  
24. Change Non NM DWI Addr.  
25. SSN/Client Merge  
26. Update License on Err

1

## Database

Economist Database		M
AFRAS		M
PeachTree		M
Unclaimed Property		M
SQL Server		M
CICS		
MVR0 Revenue		M
circle items to the right >>>>>>>>>>>>>>>>		
MV99 Drivers & System Maintenance		M

A	MVD 2.0 Production	BC
	MVD 2.0 Test	M
	MVD 2.0 Driver (view only)	M
	MVD 2.0 Vehicle (view only)	M

Production (NMP)	BC
Staging (NMS)	BC
Development / Test (ITD only)	M
KFI (Key from Image)	M
EDCR	M

Production	BC
Development	BC
Test	BC

Bank & Financial Institutions	M
Other State Agencies	
Specify:	M
Other Government	
Specify:	M
Vendors:	
Specify:	

CICS (Mainframe)	Must complete Ongard Security Form	
---	TSO Access	M
---	TSO Pun Web Application	M
---	TSO Web Return Correction	M
NM Oil and Gas	Unified Online Filing	
	Tax Online Web Filing	M
	RPD Data Entry Web	M
	Suspense Detail	M
	ONGARD Network	M
	Service Request Process	M
	General Reports	M
	Replication Process	M

NM Webfile	M
Specify:	

Citrix	M
NCIC	
HR or Field Office	M
Specify:	

3C: Bureau Chief signature approval or above

Signature	Print Name & Title	Date
Signature	Print Name & Title	Date
Signature	Print Name & Title	Date